

ATTORNEY DOCKET NO.
2001P21478US

PATENT APP. SERIAL NO.
09/705,562

REMARKS

Claims 1, 2, 8-16, 22-25, 27-30, 36-44 are now pending in the application. Claims 42-44 have been allowed. In light of the following remarks, Applicants respectfully request favorable reconsideration and allowance of claims 1, 2, 8-16, 22-25, 27-30, 36-41.

Allowable Subject Matter

Applicants thank the Examiner for the thorough examination and allowance of claims 42-44.

Rejection of Claims 1, 2, 8-16, 22-25, 27-30, 36-41

Claims 1, 2, 8-16, 22-25, 27-30, 36-41 have been rejected under 35 U.S.C. §102 and/or §103 based on U.S. Patent No. 5,805,588 ("*Petersen*") and U.S. Patent No. 6,717,955 ("*Holler*"). Applicant respectfully traverses the rejection.

When ever two or more input channels share the same output in an asynchronous communications system, contention problems may arise. The likelihood of contention significantly increases as the number of input channels increases. Conventionally, contention has been addressed with queuing techniques. Queuing techniques basically involve storing datagrams and deciding which of one or more contending datagrams will be transmitted first.

Unlike conventional approaches to dealing with contention, Applicants' invention, as recited in independent claims 1, 15, and 28, attacks the problem *before it arises* by staggering the establishment of communications channels in order to reduce the occurrence of contention. For example, Applicants' independent claims 1, 15, and 28 provide a method, system, and modem, respectively, that stagger datagrams by "starting a timer at or near a time when one of the first

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plurality of datagrams is ready for communication ... and establishing the second communication channel at or near a time when the timer elapses."

As the Examiner has pointed out, *Petersen* discloses a similar context in which samples from multiple devices are packetized and sent out over a single line. However, *Petersen* appears to suffer from the same contention problems as conventional systems, and *Peterson* appears to take the same approach to confronting the problem, namely, queuing (see col. 17, lines 32-33). *Petersen* does not teach or suggest staggering the establishment of communication channels with a timer in order to reduce the likelihood of contention. *Petersen* simply deals with contention *after it occurs* by queuing.

The Examiner has argued that Figure 5 (combined with column 7, lines 19-23) of *Petersen* discloses staggering the establishment of communication channels with a timer. Applicants respectfully disagree. Applicants submit that the referenced portion of *Petersen* simply teaches separating cells from various different telephone sets by a fixed interval of 125 μ s. The interval remains constant during communication. *Petersen* does not teach or suggest varying the interval with a timer to delay the establishment of a communications channel.

In light of at least the significant technical differences discussed above, Applicants respectfully submit that independent claims 1, 15, and 28 are novel and unobvious over *Petersen* and *Holler*. Accordingly, Applicants respectfully request favorable reconsideration of the rejection of independent claims 1, 15, and 28, and claims 2, 8-14, 16, 22-25, 27, 29-30, and 36-41, which depend therefrom.

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In light of the above remarks, Applicants respectfully request favorable reconsideration and allowance of claims 1, 2, 8-16, 22-25, 27-30, 36-41. Should the Examiner have any questions concerning this paper or application, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issue or question. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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